## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

ALLIED IRISH BANKS, p.l.c.,	)	
Plaintiff,	)	
v.	)	Civil Action No. 1:15-cv-13160-ADE
RICHARD A. VOKE,	)	
Defendant.	) ) )	

## PLAINTIFF'S MOTION FOR CONTINUANCE OF HEARING ON MOTION FOR APPROVAL OF REAL ESTATE ATTACHMENT

Plaintiff Allied Irish Banks, p.l.c. ("AIB" or "Plaintiff") respectfully moves this Court to adjourn for several days the hearing on Plaintiff's Emergency Motion for Approval of Real Estate Attachment (the "Motion"), presently scheduled to take place on September 1, 2015 at 11:00 a.m. In support of this motion, Plaintiff states as follows:

- 1. AIB filed its Emergency Motion for Real Estate Attachment on August 28, 2015, and served the Motion upon Defendant Richard A. Voke by mail. On August 28, this Court scheduled a hearing on the Motion for September 1, 2015 at 11:00 a.m.
- 2. AIB is prepared to proceed with the hearing as presently scheduled, and continues to assert that the relief sought in the motion is required on an emergency basis. However, in the interests of justice, AIB believes that it is preferable to continue the hearing for several days to allow for sufficient opportunity to provide Defendant with notice of the hearing.
- 3. In this regard, AIB notes that, today, a solicitor in Ireland contacted AIB directly concerning this matter. Sidley Austin LLP, as counsel to AIB, thereafter contacted this solicitor by email seeking to determine if this individual represents Defendant in connection with the above-referenced action. In that email, Sidley Austin notified the solicitor of the hearing to take place on

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September 1 and requested that he provide an electronic copy of the notice to Defendant. As of the

time of the filing of the instant motion, Sidley Austin has not received any return email or

confirmation from the solicitor. Plaintiff is also positioned to provide notice of the September 1

hearing by sending the electronic notice of hearing to Defendant via overnight mail for receipt

tomorrow morning, but believes that the interests of justice will be served by allowing additional

time for notice prior to hearing.

4. Should the Court reschedule the hearing, Plaintiff respectfully requests that the

hearing be scheduled for another day later this week, given the emergency nature of the Motion,

which is based, on information and belief, on the fact that the real estate is presently under

contract for sale. Accordingly, AIB respectfully requests that the hearing be adjourned several days,

until September 3 or September 4.

5. Should the Court continue the hearing, counsel for AIB will, upon receipt of the new

hearing notice, provide notice of the hearing date and time by sending Defendant a copy of the notice

of hearing by overnight mail, or by providing notice by any other means as the Court may direct. In

addition, if counsel is able to determine that the above-referenced solicitor represents Defendant in

connection with this action, counsel for AIB will provide notice of the hearing, as rescheduled, to

him or to any other legal representative of Defendant who may be identified.

WHEREFORE, Plaintiff respectfully requests that the hearing on Plaintiff's Emergency

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Motion for Approval of Real Estate Attachment be continued until September 3, or September 4,

2015.

Respectfully submitted,

/s/ Kathryn L. Alessi

Jack W. Pirozzolo (BBO# 564879)

Kathryn L. Alessi (BBO# 651110)

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Attorneys for Plaintiff Allied Irish Banks, p.l.c.

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certify that this document filed through the ECF will be sent electronically to the registered participants as identified on the notice of electronic filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: August 31, 2015 /s/ Corey D. Winer
Corey D. Winer

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